

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEONARD G. HOROWITZ, an individual,

Plaintiff,

v.

Case No: 2:20-cv-955-JLB-NPM

PFIZER INC, HEARST CORPORATION,
MODERNA INC, HENRY SCHEIN, INC.,
and DOES 1 THROUGH 50, INCLUSIVE,

Defendants.

ORDER

On June 4, 2021, the Magistrate Judge filed a Report and Recommendation (“R&R”) recommending that this case be dismissed without prejudice for lack of prosecution. (Doc. 73.)¹ No objections have been filed and the time to do so has expired.

Plaintiff has repeatedly failed to maintain an address where he will receive notices and orders from the Court. Despite numerous opportunities—and the Court even directing the Clerk to mail copies to Plaintiff’s only other known address in the record—Plaintiff has neither responded to the Court’s orders to show cause nor objected to the R&R. (See Docs. 71, 73, 74.) And although Plaintiff filed a


¹ A district judge may accept, reject, or modify the magistrate judge’s R&R. 28 U.S.C. § 636(b)(1)(C). The factual findings in the R&R need not be reviewed de novo in the absence of an objection, but legal conclusions are always reviewed de novo. *Id.*; *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993).

motion after the Court's first show cause order, that filing contains the same address at which Plaintiff is no longer receiving mail. Out of an abundance of caution, the Court provided Plaintiff one final opportunity to show cause as to why this case should not be dismissed, warning him that his failure to comply on or before June 24, 2021, would result in dismissal. (Doc. 74.) The Court can reach no other conclusion than finding that Plaintiff's actions warrant a dismissal for failing to prosecute his case and for failing to comply with the Court's orders. Considering that Plaintiff has not provided an address where he can receive this Court's filings, the Court also finds that no lesser sanction is appropriate.

Accordingly, it is **ORDERED**:

1. The Report and Recommendation (Doc. 73) is **ADOPTED** and incorporated by reference for all purposes.
2. This case is **DISMISSED WITHOUT PREJUDICE**.
3. The Clerk is **DIRECTED** to terminate any pending deadlines and motions and close the file.

ORDERED at Fort Myers, Florida, on June 25, 2021



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE